

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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U.S. BANK, N.A., NOT INDIVIDUALLY
BUT SOLELY AS TRUSTEE FOR THE
HOLDERS OF THE BEAR STEARNS
ASSET BACKED SECURITIES I TRUST
2006-AC1, ASSET BACKED CERTIFICATES
SERIES 2006-AC1,

Plaintiff(s),

v.

SFR INVESTMENTS POOL I, LLC,

Defendant(s).

Case No. 2:15-CV-1527 JCM (NJHK)

ORDER

Presently before the court is a notice of demand for security of costs filed by defendant SFR Investments Pool 1, LLC (“defendant”). (Doc. # 8). Plaintiff U.S. Bank, N.A., (“plaintiff”) filed a response. (Doc. # 9). Defendants did not file a reply, and the deadline to reply has now passed.

Defendant asks that plaintiff be required to file security of costs in the amount of \$500.00 pursuant to NRS 18.130(1) because plaintiff is a non-resident of Nevada. (Doc. # 8).

In response, plaintiff alleges that it attempted to deposit the \$500.00 security but the clerk would not accept it without a court order. Plaintiff further claims that the parties were preparing a stipulation and order to file with this court.

The Ninth Circuit recognizes that “federal district courts have inherent power to require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). A federal district court typically follows the forum state’s practice regarding security of costs, particularly when a party is a non-resident. *See, e.g.*, 10 Charles Alan

1 Wright & Arthur R. Miller, Federal Practice and Procedure § 2671 (3d ed. 1998). Nevada Revised
2 Statute 18.130 provides that the court may require an out-of-state plaintiff to post a security for
3 costs in an amount up to \$500.00 upon request by a defendant. Nev. Rev. Stat. 18.130.

4 This court has yet to receive a stipulation from the parties, but nonetheless finds it
5 appropriate to order security of costs in this matter.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion
8 demanding security of costs, (doc. # 8), be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED that plaintiff shall post security bonds in the amount of
10 \$500.00 within seven days of the entry of this order.

11 DATED December 7, 2015.

12 
13 UNITED STATES DISTRICT JUDGE